## **BEFORE**

## THE PUBLIC SERVICE COMMISSION

### OF SOUTH CAROLINA

## **DOCKET NO. 2009-301-T**

IN RE: Petition of the Office of Regulatory Staff to )
Rescind the Order of the Public Service ) MOTION TO RESCIND
Commission Granting a Class C Non- ) COMMISSION ORDER
Emergency Certificate of Public ) NO. 2009-548
Convenience and Necessity to Jerry Cannon )
Cannon Logistics For Failure to Comply )
with Commission Order No. 2009-548 )

The Office of Regulatory Staff ("ORS") hereby moves and requests that the Public Service Commission of South Carolina ("Commission") Rescind its Order Number 2009-548 issued in the above Docketed matter on August 11, 2009.

As stated in that Order, the Commission ruled that the Applicant Jerry Cannon DBA Cannon Logistics ("CANNON" or "Applicant") was to file or cause to have filed with the Office of Regulatory Staff ("ORS") within sixty (60) days of the Order "the proper license fees, proof of liability insurance (i.e. "Form E"), and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 (Supp. 2009) of the Commission's Rules and Regulations for Motor Carriers....",

In support of this Motion, ORS would respectfully show:

1. That as of December 3, 2009, the ORS has not yet received from the Applicant CANNON the proof of insurance as required by 26 S.C. Code Regs.103-171. See, Affidavit of Carole Chauvin attached hereto as Attachment A.

2. That as a result of the Applicants failure to provide the ORS with the Form E, the

Applicant CANNON has not been issued a Certificate of Public Convenience and Necessity and has

failed to comply with the terms of Commission Order No. 2009-548.

WHEREFORE, the ORS moves and requests that the Commission grant this Motion to

Rescind Order No. 2009-548 based on the Applicant Cannon's failure to comply with the terms and

conditions of that Order. Further, the ORS requests that subsequent to the issuance of the

Commission Order in this matter that this Docket be closed.

OFFICE OF REGULATORY STAFF

Shealy Boland Reibold, Esquire

Jeffrey M. Nelson, Esquire Office of Regulatory Staff

1401 Main Street, Suite 900

Columbia, South Carolina 29201

(803) 737-0800

January 5, 2010

Columbia, South Carolina

#### BEFORE

#### THE PUBLIC SERVICE COMMISSION

#### **OF SOUTH CAROLINA**

#### DOCKET NO. 2009-301-T

December 3, 2009

The Affiant, after having been first duly sworn, deposes and states as follows:

- My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as a Program Specialist for the Transportation Department.
- 2) My office is located at 1441 Main Street, Suite 300, Columbia, South Carolina, 29201.
- My duties and responsibilities as Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS
- 6) On December 3, 2009. I examined the business records on file with ORS.
- As a result of that examination, I attest that the proof of insurance as required by 26 S.C. Code Regs 103-171 has not been filed with ORS by the following company as of December 3, 2009:

Jerry Cannon DBA Cannon Logistics PO Box 5773 Florence SC 29502

# AND FURTHER THE AFFIANT SAYETH NOT.

Program Specialist, Transportation Department Office of Regulatory Staff 1441 Main Street Suite 300 Columbia, South Carolina 29201

Carole Chauvin

Sworn and subscribed before me this \_3 2 day of \_\_\_\_\_\_\_, 20 09

Notary Public for South Carolina

My Commission Expires: /// 20/0

## **BEFORE**

## THE PUBLIC SERVICE COMMISSION

## **OF SOUTH CAROLINA**

**DOCKET NO. 2009-301-T** 

Application of Jerry Cannon DBA Cannon	)	
Logistics Class C Non-Emergency Certificate	)	CERTIFICATE OF SERVICE
of Public Convenience and Necessity for Operation	( )	
of Motor Vehicle Carrier	)	

This is to certify that I, Chrystal L. Morgan, have this date served one (1) copy of the MOTION TO RESCIND COMMISSION ORDER NO. 2009-548 in the above-referenced matter to the person(s) named below by causing said copy to be deposited in the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as shown below:

Jerry Cannon DBA Cannon Logistics P.O. Box 5773 Florence, SC 29502

> Christal L. Margal Chrystal L. Morgan

January 5, 2010 Columbia, South Carolina